

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION**

<b>IN RE SOUTHEASTERN MILK ANTITRUST LITIGATION</b>	)	<b>CASE NO. 2:08-MD-01000</b>
	)	<b>JUDGE GREER</b>
	)	<b>MAGISTRATE JUDGE INMAN</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	
<i>Sweetwater Valley Farm, Inc., et al. v. Dean Foods Co., et al., No. 2:07-cv-208.</i>	)	
	)	

**CERTAIN DEFENDANTS' MOTION TO EXCLUDE THE  
EXPERT TESTIMONY OF DR. FRANK SCOTT**

Pursuant to Rule 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmas., Inc.*, 509 U.S. 579 (1993), Defendants Dean Foods Company, Inc., National Dairy Holdings, L.P., Dairy Farmers of America, Inc., Dairy Marketing Services, LLC, Mid-Am Capital, LLC, Gary Hanman, and Gerald Bos (collectively, "Certain Defendants"), respectfully move the Court for an Order excluding the testimony of Dr. Frank Scott, one of the Dairy Farmer Plaintiffs' experts.

As explained through the accompanying Memorandum of Law and Exhibits, Dr. Scott's testimony is not expert in nature and lacks a proper methodology. His testimony should be excluded in its entirety.

Oral argument is requested.

Dated: August 11, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing CERTAIN DEFENDANTS' MOTION TO EXCLUDE THE EXPERT TESTIMONY OF DR. FRANK SCOTT was filed electronically. Copies of this document will be served on all counsel of record via the Court's CMF/ECF system.

/s/ Carl R. Metz

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